IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 13TH JULY 2006 / 22ND ASHADHA,1928

Bail Appl..No. 4209 of 2006

CC.349/2003 of J.M.F.C.-II, PERINTHALMANNA
(CRIME NO.224/2002 OF MELATUR POLICE STATION)

.....

PETITIONER

P.K.UMMER, AGED 47 YEARS,
S/O.MOIDEEN HAJI, PALAKANDATHIL,
PADINHATTUMURI P.O., MALAPPURAM.

BY ADV. SRI.ANIL KUMAR SREEDHARAN

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
S.I. OF POLICE, MELATUR POLICE STATION,
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT
OF KERALA.

ADDL. RES. K.T.THOMAS, S/O KIZHAKKEKARA THOMAS,
AGED 51 YEARS, KIZHAKKEKARA VEEDU. P.O,
POTTASSERY, MANNARKKAD, PALAKKAD DISTRICT.
(Impleaded, as per the Order dated 13.7.2006, in Crl.M.A.3729/06)

BY PUBLIC PROSECUTOR T.K. KUNHABDULLA
SRI.K.M.SATHYANATHA MENON

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 13/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

B.A.4209/2006

DATED THIS THE 13TH DAY OF JULY, 2006

O R D E R

The petitioner is the second accused, in crime No.224/2002 of Melatur Police Station. The offence alleged against him and others are under Sections 420 and 506(i) IPC. The counsel submitted that the final report had already been filed, for the offence under Section 420 IPC alone. The counsel seeks a pre-arrest order or a release, in the event of his surrender before the judicial Magistrate of First Class-II, Perinthalmanna.

2. Advocate K.M. Sathyanatha Menon had filed an application, for impleading Mr.K.T.Thomas, is allowed and the petitioner therein Mr.K.T.Thomas is impleaded as Additional second respondent. It is submitted by the counsel for the additional second respondent that a huge amount is due from the accused 1 and 2. However, the facts reveal that a civil suit is pending between the parties.

3. In the facts and circumstances of this case particularly as the final report had already filed, I direct the petitioner, second accused, to surrender before the Judicial Magistrate of First Class-II, Perinthalmanna, on 21.7.2006 at 11.00 a.m., in which event, the learned Magistrate shall release the petitioner on bail imposing such conditions, which are deemed necessary and pass appropriate orders. If any other proceedings are brought to the notice of the learned Magistrate, the same shall also be considered, and a condition be imposed on the petitioner, at the time of his release, after hearing both sides.

J.M.JAMES
JUDGE

mrcs